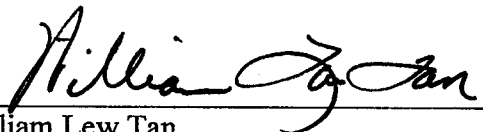


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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

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7 **DEPARTMENT OF CONSUMER AFFAIRS**

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9 The attached Stipulated Settlement and Disciplinary Order in case number W234, is
10 hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer
11 Affairs. An effective date of December 18, 2003 has been assigned to this Decision and
12 Order.

13
14 Made this 18th day of November, 2003.

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17 _____
18 William Lew Tan
19 President, Board of Psychology
20 Department of Consumer Affairs
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1 BILL LOCKYER, Attorney General
of the State of California
2 CINDY M. LOPEZ, State Bar No. 119988
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-7373
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W234

11 VALERIE GOLD-NEIL, Ed.D.
2062 Hidden Valley Canyon Road
12 Laguna Beach, CA 92651

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Psychologist License No. PSY 12628

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:
18

19 **PARTIES**

20 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
21 of Psychology. He brought this action solely in his official capacity and is represented in this
22 matter by Bill Lockyer, Attorney General of the State of California, by Cindy M. Lopez, Deputy
23 Attorney General.

24 2. Respondent Valerie Gold-Neil, Ed.D. (Respondent) is represented in this
25 proceeding by attorney Pamela Ann Thatcher, whose address is 98 East Grand Blvd., Corona,
26 California 92879.

27 3. On or about March 6, 1992, the Board of Psychology issued Psychologist
28 License No. PSY 12628 to Valerie Gold-Neil, Ed.D. (Respondent). The License was in full force

1 and effect at all times relevant to the charges brought in Accusation No. W234 and will expire on
2 March 31, 2004, unless renewed.

3 JURISDICTION

4 4. Accusation No. W234 was filed before the Board of Psychology (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 10,
7 2002. Respondent timely filed her Notice of Defense contesting the Accusation.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, fully discussed with counsel, and
10 understands the charges and allegations in Accusation No. W234. Respondent has also carefully
11 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
12 Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. For the purpose of resolving the Accusation without the expense and
24 uncertainty of further proceedings, Respondent understands and agrees that the charges and
25 allegations in Accusation No. W234, if proven at a hearing, could constitute cause for imposing
26 discipline upon her psychologist's license.

27 9. Respondent agrees that her Psychologist License is subject to discipline
28 and she agrees to be bound by the Board of Psychology (Board) 's imposition of discipline as set

1 forth in the Disciplinary Order below.

2
3 CONTINGENCY

4 10. This stipulation shall be subject to approval by the Board of Psychology.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
6 Psychology may communicate directly with the Board regarding this stipulation and settlement,
7 without notice to or participation by Respondent or her counsel. By signing the stipulation,
8 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
11 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated
15 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
16 force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board may, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Psychologist License No. PSY 12628 issued to
22 Respondent Valerie Gold-Neil, Ed.D. is revoked. However, the revocation is stayed and
23 Respondent is placed on probation for three (3) years on the following terms and conditions.

24 1. EDUCATION REVIEW Respondent shall submit to an educational
25 review concerning the circumstances which resulted in this administrative action. The
26 educational review shall be conducted by a board-appointed expert case reviewer and/or Board
27 designee familiar with this case. Educational reviews are informational only and intended to
28 benefit Respondent's practice by preventing future such complaints. Respondent shall pay all

costs associated with this educational review.

2. COURSEWORK Respondent shall take and successfully complete not less than 12 hours each year of probation in the following areas: boundaries, and transference/counter-transference. Coursework must be preapproved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

3. ETHICS COURSE Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.

4. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$3,000 within the first two years of probation. Such costs shall be payable to the Board of Psychology. Failure to pay such costs shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs

5. PROBATION COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be

1 considered a violation of probation.

2 The filing of bankruptcy by respondent shall not relieve respondent of the
3 responsibility to repay investigation and enforcement costs

4 6. OBEY ALL LAWS Respondent shall obey all federal, state, and local
5 laws and all regulations governing the practice of psychology in California including the ethical
6 guidelines of the American Psychological Association. A full and detailed account of any and all
7 violations of law shall be reported by the respondent to the Board or its designee in writing
8 within seventy-two (72) hours of occurrence.

9 7. QUARTERLY REPORTS Respondent shall submit quarterly
10 declarations under penalty of perjury on forms provided by the Board or its designee, stating
11 whether there has been compliance with all the conditions of probation.

12 8. PROBATION COMPLIANCE Respondent shall comply with the Board's
13 probation program and shall, upon reasonable notice, report to the assigned District Office of the
14 Medical Board of California or other designated probation monitor. Respondent shall contact the
15 assigned probation officer regarding any questions specific to the probation order. Respondent
16 shall not have any unsolicited or unapproved contact with 1) complainants associated with the
17 case; 2) Board members or members of its staff; or 3) persons serving the Board as expert
18 evaluators.

19 9. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
20 appear in person for interviews with the Board or its designee upon request at various intervals
21 and with reasonable notice.

22 10. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
23 writing, through the assigned probation officer, of any and all changes of employment, location,
24 and address within 30 days of such change.

25 11. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
26 STATE NON-PRACTICE In the event respondent should leave California to reside or to
27 practice outside the State or for any reason should respondent stop practicing psychology in
28 California, respondent shall notify the Board or its designee in writing within ten days of the

1 dates of departure and return or the dates of non-practice within California. Non-practice is
2 defined as any period of time exceeding thirty days in which respondent is not engaging in any
3 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of
4 temporary or permanent residency or practice outside California or of non-practice within
5 California will not apply to the reduction of this probationary period., although the Board may
6 allow respondent to complete certain terms of probation that are not associated with active
7 practice.

8 12. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is
9 licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise
10 psychological assistants, interns or trainees during the course of this probation. Any such
11 supervisory relationship in existence on the effective date of this probation shall be terminated
12 by respondent and/or the Board.

13 13. FUTURE REGISTRATION OR LICENSURE If respondent is currently
14 registered as a psychological assistant and subsequently obtains other psychological assistant
15 registrations or becomes licensed as a psychologist during the course of this probationary order,
16 respondent agrees that this Decision shall remain in full force and effect until the probationary
17 period is successfully terminated. Future registration or licensure shall not be approved,
18 however, until respondent is currently in compliance with all of the terms and conditions of
19 probation.

20 14. VIOLATION OF PROBATION If respondent violates probation in any
21 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
22 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
23 Revoke Probation is filed against respondent during probation, the Board shall have continuing
24 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
25 is final. No Petition for Modification or Termination of Probation shall be considered while
26 there is an Accusation or Petition to Revoke Probation pending against respondent.

27 15. COMPLETION OF PROBATION Upon successful completion of
28 probation, respondent's license shall be fully restored.

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DATED: July 30, 2003

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DATED: July 31, 2003

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

DATED: 9. 9. 03.

BILL LOCKYER, Attorney General
of the State of California

Cindy M. Lopez
CINDY M. LOPEZ
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03598160-LA02 1200

1 BILL LOCKYER, Attorney General
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2 JOHN E. DECURE, State Bar No. 150700
Deputy Attorney General, for
3 CINDY LOPEZ,
Deputy Attorney General
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO July 10 20 02
BY M. Jackman ANALYST

8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. W234

13 VALERIE GOLD-NEIL, PH.D.
2062 Hidden Valley Canyon Road
Laguna Beach, CA 92651

A C C U S A T I O N

14 Psychologist License No. PSY 12628

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
21 Affairs.

22 2. On or about March 6, 1992, the Board of Psychology issued Psychologist
23 License Number PSY 12628 to Valerie Gold-Neil, Ph.D. (Respondent). The Psychologist
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on March 31, 2004, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Psychology (Board), under
28 the authority of the following sections of the Business and Professions Code (Code).

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1 after June of 1995. The circumstances are as follows:

2 8. In or about 1991, patient L.M., a female patient who at the time was 37
3 years old, began therapy with Respondent. The focus of therapy over the next three years was on
4 relationship difficulties, including issues regarding multiple relationships L.M. had with addicted
5 persons, suicides, issues L.M. had with a violent partner and a violent friend, and the trauma
6 involved with L.M.'s mother's death. L.M. attended therapy about twice per week. Respondent's
7 patient notes for L.M. for the first three years of therapy reflect that a very intense transference
8 developed quickly between Respondent and L.M., and make reference to many occasions in
9 which L.M. and Respondent were in opposition to each other. In about March of 1993
10 Respondent, feeling that L.M. was abusive, set limits regarding L.M.'s right to address
11 Respondent in anger. L.M., feeling that Respondent was abusive toward her, went to another
12 therapist for consultation. On or about March 11, 1993, Respondent terminated L.M. from
13 therapy, but L.M. did not want to terminate therapy with Respondent and offered alternatives,
14 agreeing to offer virtually any compromise to meet Respondent's wishes. This termination
15 pattern was repeated throughout L.M.'s history of treatment under Respondent's care.
16 Respondent also engaged in abusive and hostile arguments with the patient over the course of
17 treatment. When confronted with her behavior by the patient, Respondent repeatedly failed to
18 take responsibility for her actions.

19 9. During her years of therapy with Respondent, patient L.M.
20 periodically disclosed that she was sexually attracted to Respondent. Respondent also disclosed
21 an unusually high amount of personal information about herself to L.M., including her history of
22 incest, drug and alcohol use, eating disorders, anger issues, and "co-dependency" issues.

23 10. On or about September 9, 1996, Respondent again terminated patient L.M.
24 from therapy without any apparent preparation for termination. However, the termination was
25 retracted by Respondent, and a short-lived alternative approach to therapy was suggested but not
26 implemented by Respondent. L.M. was upset by this episode and spoke with her psychiatrist and
27 a consultant, who noted two precipitous terminations involving Respondent and L.M., one during
28 May of 1996 and the other during September of 1996.

1 11. In or about 1997, L.M. was still voicing her sexual attraction to
2 Respondent, and boundaries were discussed. However, Respondent's patient notes indicate that
3 she provided materials on Buddhism to the patient, and in April of 1997, Respondent asked L.M.
4 for \$875 in advance fees in order to bolster her bank account as she attempted to purchase a
5 home.

6 12. During 1998, much of L.M.'s therapy focused on her relationship with
7 J.R., who was her lover and was also one of Respondent's female patients. Respondent saw L.M.
8 and J.R. in individual sessions and occasional couples sessions in 1998.

9 13. During 1999, Respondent encouraged L.M. to seek a Buddhist education
10 and attend Buddhist meetings with a group to which Respondent also belonged. Respondent and
11 L.M. also occupied a booth together at a public event for a Buddhist group in 1999. Respondent
12 also informed a friend about patient L.M., informed the friend of L.M.'s wishes to become a
13 Buddhist, and suggested that the friend be a mentor to L.M. in the teaching of Buddhism.
14 Respondent did this without L.M.'s consent.

15 14. In or about July of 1999, Respondent and L.M. had a difficult therapy
16 session after which Respondent sent an electronic mail ("e-mail") apologizing for the session.
17 Further confrontational sessions occurred shortly thereafter, and Respondent and L.M. exchanged
18 multiple e-mails that reflected L.M.'s perception that the therapist/client boundaries had changed
19 without L.M.'s input. By September of 1999, L.M. was confused and dissatisfied regarding
20 perceived changes in distance, degree of disclosure, and her perception of a failure by
21 Respondent to take responsibility for the change. L.M. sent e-mails to Respondent begging her
22 not to terminate therapy, yet Respondent's patient notes make no mention of termination. In
23 October of 1999, Respondent continued to reassure the patient that she was welcome in therapy.
24 Respondent's patient notes of October 19, 1999, indicate that she had decided not to return e-
25 mails from L.M., had asked L.M. not to call unless it was urgent, and had limited discussion of
26 Respondent's own personal life. Respondent recognized that these sudden actions contributed to
27 L.M.'s feeling of disconnection, but wrote that this struggle would have occurred between her
28 and Respondent regardless of the process Respondent used to set stricter boundaries. Respondent

1 also noted that either her referral of L.M. to another therapist or her continuation of therapy with
2 L.M. would feel like abandonment to L.M.

3 15. In or about October of 1999, patient L.M., feeling overwhelmed, took a
4 self-imposed break from individual therapy with Respondent but continued in group therapy with
5 Respondent's group. Respondent approved the decision. In one of these group sessions,
6 Respondent, who had been widely known as a lesbian therapist, informed L.M. that she had
7 married a man. Patient L.M. had frequently discussed in therapy her feeling that Respondent
8 would abandon her for a man, and Respondent's patient notes describe L.M.'s reaction as "very
9 angry and crying and afraid of losing [Respondent] as a therapist." Several e-mails between L.M.
10 and Respondent as well as Respondent's patient notes shortly thereafter address L.M.'s fear of
11 sudden abandonment and Respondent's reassurance against it.

12 16. Respondent's final patient note for L.M. makes no reference to reasons for
13 termination, and according to the patient, Respondent terminated therapy with her suddenly and
14 without notice. L.M. thereafter continued to e-mail and telephone Respondent, begging her not to
15 terminate L.M., and expressing her incomprehension at Respondent's actions. In late December
16 of 1999, Respondent telephoned L.M. to offer a session to "say goodbye," but no such session
17 occurred. L.M. was traumatized by the termination.

18 17. Respondent committed acts of gross negligence in the care and treatment
19 of patient L.M. after June of 1995 as follows:

20 18. By disclosing confidential patient information without the consent of
21 L.M., specifically during 1999 by informing a friend about patient L.M., informing the friend of
22 L.M.'s wishes to become a Buddhist, and suggesting that the friend be a mentor to L.M. in the
23 teaching of Buddhism.

24 19. By repeatedly terminating patient L.M. from therapy in a manner that
25 failed to minimize harm to the patient where it was foreseeable and avoidable.

26 SECOND CAUSE FOR DISCIPLINE

27 (Repeated Negligent Acts)

28 20. Respondent is subject to disciplinary action under section 2960, subsection

1 (r) of the Code for committing repeated acts of negligence in the care and treatment of patient
2 L.M. after June of 1995. The circumstances are as follows:

3 21. Paragraphs 8 through 16 are incorporated by reference as if set forth in
4 full.

5 22. Respondent committed repeated acts of negligence in the care and
6 treatment of patient L.M. after June of 1995 as follows:

7 23. By disclosing confidential patient information without the consent of
8 L.M, specifically during 1999 by informing a friend about patient L.M., informing the friend of
9 L.M.'s wishes to become a Buddhist, and suggesting that the friend be a mentor to L.M. in the
10 teaching of Buddhism.

11 24. By repeatedly terminating patient L.M. from therapy in a manner that
12 failed to minimize harm to the patient where it was foreseeable and avoidable.

13 25. By financially exploiting the patient, specifically by borrowing \$875 in
14 funds from the patient in the form of unearned fees in April of 1997.

15 26. By repeatedly engaged in abusive and hostile behavior toward the patient
16 over the course of treatment.

17 27. By repeatedly making intimate disclosures to the patient regarding
18 Respondent's own traumas, personal history and psychological problems without clear need and
19 without follow-up discussion of their meaning to the patient.

20 THIRD CAUSE FOR DISCIPLINE

21 - (Unauthorized Disclosure of Confidential Information)

22 28. Respondent is subject to disciplinary action under section 2960, subsection
23 (h) of the Code for her willful, unauthorized communication of information received in
24 professional confidence during her care and treatment of patient L.M. after June of 1995. The
25 circumstances are as follows:

26 29. Paragraphs 8 through 16 are incorporated by reference as if set forth in
27 full.

28 30. Respondent committed unprofessional conduct during her care and

1 treatment of patient L.M. after June of 1995, as follows:

2 31. By disclosing confidential patient information without the consent of
3 L.M, specifically during 1999 by informing a friend about patient L.M., informing the friend of
4 L.M.'s wishes to become a Buddhist, and suggesting that the friend be a mentor to L.M. in the
5 teaching of Buddhism.

6 PRAYER


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Psychology issue a decision:

9 1. Revoking or suspending Psychologist License Number PSY 12628, issued
10 to Valerie Gold-Neil, Ph.D.;

11 2. Ordering Valerie Gold-Neil, Ph.D. to pay the Board of Psychology the
12 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
13 the costs of probation monitoring;

14
15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: July 10, 2002

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18 
19 THOMAS S. O'CONNOR
20 Executive Officer
21 Board of Psychology
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 03598160-LA02

26 2Accusation.wpt 10/19/01

27 JD 6/26/02
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